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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,662	02/02/2004	Kazuhiko Abe	023971-0366	9669
22428 75	90 05/10/2005		EXAM	INER
FOLEY AND LARDNER			KWON, JOHN	
SUITE 500 3000 K STREET NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20007			3747	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/768,662	ABE ET AL.
Office Action Summary	Examiner	Art Unit
	John T. Kwon	3747
The MAILING DATE of this communication appeared for Reply	opears on the cover sheet v	vith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perior - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	l. 1.136(a). In no event, however, may a eply within the statutory minimum of th d will apply and will expire SIX (6) MC ate, cause the application to become i	reply be timely filed irty (30) days will be considered timely. NTHS from the mailing date of this communication. NBANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) Th 3) Since this application is in condition for allow closed in accordance with the practice under	is action is non-final. ance except for formal ma	•
Disposition of Claims		
4) Claim(s) 1-21 is/are pending in the application 4a) Of the above claim(s) is/are withdreds 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-21 are subject to restriction and/or Application Papers 9) The specification is objected to by the Examination of the drawing(s) filed on is/are: a) and according to a solution of the application of t	rawn from consideration.	b by the Examiner.
Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the I	ection is required if the drawin	g(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in iority documents have bee au (PCT Rule 17.2(a)).	Application No n received in this National Stage
Attachment(s)		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date 	Paper No	Summary (PTO-413) p(s)/Mail Date Informal Patent Application (PTO-152)

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-19, drawn to a fuel properties estimating apparatus, classified in class
 701, subclass 109.
- II. Claims 20 and 21, drawn to a fuel properties estimating apparatus by detecting the exhaust gas, classified in class 123, subclass 672.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. For example, claim 1 does not require to detect an exhaust gas to control the air-fuel ratio.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (571) 272-4846. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ohn T. Kwon

Primary Examiner

Art Unit 3747